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**Road Responsibility Policy**

Policy and Guidelines for Determining and Assigning Administrative Responsibility for Roads in Western Australia

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# PURPOSE AND STRUCTURE OF THE policy and gUIDELINES

The ‘*Road Responsibility Policy’* (this document) assists Main Roads Western Australia (MRWA) to determine, in conjunction with Local Government, which roads are the responsibility of the State Government, and then to proclaim those roads as either a highway or main roadin accordance with the provisions of the *Main Roads Act 1930*. These roads are collectively known as State Roads. Roads assessed as no longer meeting the criteria are proclaimed to ‘cease to be a ‘highway’ or ‘cease to be a main road’ and are generally referred to as being ‘deproclaimed’.

Road responsibility is determined through an administrative classificationprocess, outlined in the companion document, ‘*Road Administrative Classification Assessment Guidelines’* that contains the procedures to classify public roads (new or existing) according to the function they perform, and assigns responsibility to either the State or Local Government.

This document, (‘*Road Responsibility Policy’),* outlines MRWA’s policy for determining and assigning road responsibility. It summarises the current arrangements for road responsibility, together with background information on how the current arrangements were developed. In addition, it provides an overview of the process used to transfer responsibility for roads between local and State government and the obligations of each party in relation to the condition and configuration of the roads under consideration for transfer.

# CURRENT ARRANGEMENTS FOR ROAD RESPONSIBILITY IN WA

## Management Responsibility

Responsibility for public roads in WA rests with either State or local government, with the exception of around 2,500km of public roads used to access remote (predominately Aboriginal) communities, which are currently deemed outside the sphere of government responsibility. The Commonwealth Government has a role in providing funding for both State and local roads. The details below show the responsibilities of each sphere of government in road administration.

### State Government

With the exception of the Commonwealth Government’s funding contribution towards certain road projects and the National Land Transport road network, the State Government is responsible for funding and management of all roads that are declared ‘highways’ or ‘main roads’. All ‘highways’ and ‘main roads’ are provided and managed by the Commissioner of Main Roads under the provisions of the *Main Roads Act 1930, as amended*. These roads have a regional function and are identified through the administrative classification process specifically developed for this purpose (refer to Section 3).

Some other roads in WA such as those in State Forests, National Parks and Regional Parks such as Kings Park and the roads on Rottnest Island are also the responsibility of the State Government. However, these roads are managed by government agencies other than MRWA and are not proclaimed as ‘highways’ or ‘main roads’. These roads are not covered by these guidelines.

Bridges on State roads are also the responsibility of the State Government. MRWA is generally responsible for bridges on ‘highways’ and ‘main roads’, the exception being the substructure in the few cases where an agreement is in place with another Government agency (e.g. DBCA, Department of Biodiversity Conservation and Attractions). Bridges on roads that are the responsibility of a Government agency other than MRWA are the responsibility of the agency responsible for the road.

Other examples of bridge responsibility are:

• State Road over rail is generally MRWA responsibility

• Rail over State Road is generally PTA responsibility

• Local Road over rail is generally MRWA responsibility

• Local Road over Local Road is generally LGA responsibility

• Rail over Local Road is generally PTA responsibility

(Reference: *Memorandum of Understanding between Main Roads Western Australia and Public Transport Authority of Western Australia – MRWA Document Number D12#239050*)

### Local Government

All other public roads in WA (with the exception of the previously mentioned access roads to remote communities and roads in National Parks etc.) are the responsibility of local government, and are managed by incorporated municipal councils across the State. However, the Commissioner of Main Roads has legal responsibility for regulatory traffic signs and devices on local government roads in accordance with the provisions of the *Road Traffic Act, 1974*. This responsibility includes ‘load limit’ signs on bridges. The State Government (through MRWA) therefore also has a close involvement with bridges on local government roads, both technically and financially. Notwithstanding this State involvement, local governments remain accountable for all bridge structures on their roads, except those where agreement has been reached between local government and MRWA.

# BACKGROUND TO THE DEVELOPMENT OF THE CURRENT CLASSIFICATION SYSTEM

The primary function of a road is to allow motor traffic to transport people and goods from one place to another. At one end of the scale, regional roads provide a high degree of mobility, by safely and efficiently moving high volumes of traffic, often at high speeds, over relatively long distances. The function of these roads is consistent with the function of ‘highways’ and ‘main roads’ as described in the *Main Roads Act 1930* and this type of road is accepted as the responsibility of the State Government.

At the other end of the scale, the function of local streets is primarily to provide access to abutting properties and land uses. They are typically lined with buildings and public spaces, and while movement is still a key function, there are several others, of which the place function is the most important. This type of road is typically the responsibility of local government.

However, in other cases the function of a road is not as apparent, and as a result it is not obvious which sphere of Government should be responsible for the road.

## Road Classification Review History

At a Premiers’ Special Conference in July 1991, it was agreed that the Commonwealth, State and Local governments would clearly identify separate responsibilities for roads across the three spheres of government. As a result, an ‘Administrative Classification’ process was developed through a ‘Road Classification Review’ of public roads undertaken in 1993, to determine roads that are the responsibility of the State Government in Western Australia.

In 2015, following a period of sustained growth in the Perth metropolitan area, a further review, the ‘Future State Roads Project’ commenced to determine roads that may become the responsibility of the State Government. The ‘Future State Roads Project’ reviewed urban and rural roads, updating and modernising the Administrative Classification process. The ‘**Future State Roads Project – Urban**’ and ‘**Future State Roads Project – Rural**’ were ratified by WALGA State Council in 2018 and 2019 respectively.

In addition to the above, local governments use a more detailed road hierarchy for their own management purposes.

The ***Western Australian Road Hierarchy****,* which supersedes the previous Austroads class system, was developed to reflect the intended role of local government and State roads and is based on the ‘Built-Up Area’ criteria provided by the WALGGC. It defines a hierarchy of Primary Distributor, District Distributors (A & B), Regional Distributor, Local Distributor and Access Roads. Primary Distributors correspond to roads that are the responsibility of Main Roads. Refer to **Note 8** at Appendix 1.

There are a number of other road classification processes currently used in WA for purposes other than to determine administrative responsibility and to assist management of local government roads.

# MRWA POLICY FOR DETERMINING AND ASSIGNING ROAD RESPONSIBILITY

MRWA will work with local government to agree the roads that should be declared as ‘highways’ or as ‘main roads’ in keeping with the provisions of the *Main Roads Act 1930*. This will be done in accordance with the Administrative Classification system. The administrative classification of roads will be determined through application of the process detailed in the Road Administrative Classification Process. Refer to the Main Roads Western Australia website.

## Administrative Classification of Roads

A request for an administrative classification assessment may be identified as a need by MRWA, or, may be initiated by the Minister for Transport, another Government Agency (e.g. DBCA), or local government. Requests to review the classification of a road should be forwarded to Main Roads’ Road Classification Manager at Don Aitken Centre, East Perth.

If the request is initiated by local government, and the road in question is located across two or more local governments, the request must be a joint submission from all local governments involved.

### Existing roads

Existing roads that are determined to warrant assessment will be assessed individually, and where practicable this will be done in time to allow those that require proclamation or deproclamation as ‘highways’ or ‘main roads’ to be included in the next round of budget submission deliberations if the proposed change is of financial consequence. Reclassifications of an inconsequential nature will be processed as they arise.

A review of Urban Road Classification was completed in 2018 as part of the Future Roads Project which provides a modern interpretation of the Main Roads Act 1930. The Future Roads Project recommended a number of existing roads become State roads in the short term (5 years), medium term (5-10 years) and long term (10-20 years). Following the Urban review, a review of Rural Road Classification was completed in 2019 in consultation with Regional Road Groups and the Western Australian Local Government Association (WALGA).

Comprehensive classification reviews of the existing road network will also be undertaken from time to time as determined by the Managing Director of Main Roads, in consultation with local government through WALGA. The assessment criteria used to determine road classifications may also be reviewed at these times.

**Note:** All transactions require prior approval from the Department of Treasury, as per the *Main Roads Act 1930 Section 13* which states: ‘the Commissioner shall take into account the moneys available or likely to be available for highways or main roads’*.*

### New roads

A new road constructed by MRWA, or on MRWA’s behalf, will generally be the responsibility of MRWA following its completion and does not require assessment against the criteria. The proclamation should be completed as soon as possible after the road is opened to traffic, when the usual notification will be made to local government. If it is likely that the road will be determined to be the responsibility of local government, its classification should preferably be determined (and agreement obtained in writing from the Council(s) concerned) prior to the start of detailed design, as State Road and Local Government Road Design Standards may vary.

The classification of new roads will be based on the indicative road function and the estimated traffic volume five years after the opening of the road.

New roads constructed by local government (or by MRWA for local government) are assumed to be the responsibility of local government. If a Local Government wishes to have a new road classified, it must submit a request justifying why the road should be assessed. If the road in question is located across two or more municipalities, the request must be a joint submission from all local governments involved.

When assessing the classification of a new road, MRWA will also consider the effect that the new road has on adjacent roads within the network and assess the classification of any roads whose function may change significantly due to the construction of the new road.

### Determining Urban or Rural Classification

The following definitions are used to determine whether a road is assessed under Urban or Rural classification criteria.

An ‘Urban’ area for the purposes of classification assessment for road administration is defined as:

Any area depicted within the Metropolitan Region Scheme / Peel Region Scheme (MRS/PRS) boundaries.

‘Rural’ areas for the purposes of classification assessment for road administration are divided into two categories:

A ‘Rural - Built Up’ area (BUA) is defined as:

Any area within the latest depiction of the Australian Bureau of Statistics Urban Centres and Localities (Major Urban, Other Urban and Bounded Locality), outside of the Metropolitan Region Scheme / Peel Region Scheme (MRS/PRS).

A ‘Rural - Non Built Up’ area (Non-BUA) is defined as:

Any area depicted outside the Metropolitan Region scheme/Peel Region Scheme (MRS/PRS) boundaries that does not have the majority of the route length within a BUA.

**Note 1:** For assessment purposes any road classified as a Regional Distributor under the Road Hierarchy, within the MRS/PRS, should be assessed as an *Urban Road*.

**Note 2:** Where a rural route passes through or into an urban area outside of the MRS/PRS, the policy is to retain its prevailing rural classification. However, should the whole route or the majority of the route be within a ‘Built-Up Area’ as described above then it will be assessed against the Rural – Built Up Area Criteria. (BUA))

## Proclamation

When the Commissioner of Main Roads determines that a road should be declared to be, or cease to be, a ‘highway’ or ‘main road’ in accordance with the provisions of *Section 13 of the Main Roads Act,* MRWA will initiate formal proclamation of such change and negotiate arrangements with local government.

The State Solicitor’s Office advises that roads cannot be proclaimed until they exist. Once opened to traffic, proclamation of new roads should be gazetted with other road changes as part of a batch, preferably once or twice per year.

Changes to declared routes brought about through realignment of an existing road will be considered on a case by case basis, taking into account the extent to which the route has changed. If the change is indiscernible at the scale of plan initially used to proclaim the route and within the existing road reservation, it will generally not be proclaimed. However, if proclamation is required to alter the status of the replaced section of road, the new alignment will be proclaimed simultaneously.

When a road is proclaimed as a ‘highway’ or ‘main road’, the paths used for cycling and/or walking along such roads will be excluded from the proclamation, except in situations where MRWA is responsible for the maintenance of the paths as agreed with local governments. The asset owner (Regional Manager) is to confirm in writing which sphere of government will be responsible for ‘footpaths’ and the local government is to be advised of the decision at the time its consent is sought to the proclamation. Paths that are excluded from the proclamation are the responsibility of local government or in some cases another State agency or department.

# TRANSFERRING ROAD RESPONSIBILITY

As indicated in Section 3 of this document, the administrative classification process is used to determine which sphere of government is responsible for a road (based on current arrangements), and to determine which State Government roads should be ‘highways’ and which should be ‘main roads’.

Transfer of roads between jurisdictions will not proceed unless they are in an acceptable condition. Guidelines have been developed to assist officers involved with transfers to understand the obligations of each party. These were jointly endorsed by MRWA and WALGA in August 2011.

Once agreement has been reached between parties that a road is to be transferred, transfers are usually completed by means of an exchange of letters. Formal proclamation or deproclamation then occurs in due course to publicly formalise the arrangement.

Those roads that are classified as ‘highways’ or ‘main roads’ are then declared as such through formal proclamation in the Government Gazette. Where such proclamation involves the transfer of the responsibility for a road from one sphere of Government to another, arrangements must be made to reflect this in all relevant information and operational systems.

**Note:** A major consequence of a main road or highway ceasing to be State administered is that the road in question falls under the care, control and management of the local government under Sub-section 55 (2) of the *Land Administration Act 1997* and Section 3.53 of the *Local Government Act 1995*. Figure 1.1 below shows the key stages of the overall process.

Following proclamation, MRWA will assume responsibility for the care, control and management of any road declared to be a ‘highway’ or ‘main road’, and advise all affected local governments of any roads that have become, or ceased to be, the local government’s responsibility. Any written agreement including conditions (i.e. exchange of letters) made prior to proclamation between parties are not affected by formal proclamation.

When a road transfers from State Government to local government responsibility, MRWA will also advise the local government if any bridges on that road are to remain MRWA’s responsibility. These bridges will be managed under agreement with the local government.

**Figure 1- Process for Transfer of Road Responsibility between State and Local**

**Government**

**Request for assessment of road classification**

**Agreement to assess road classification**

**Approval to change road classification**

**Transfer of responsibility**

**Adopt new responsibility**

**Proclamation of change**

# DEFINITIONS

| **Document Number** | **Description** |
| --- | --- |
| **Administrative Classification** | The application of the Administrative Classification Criteria to determine the responsibility for managing a road being either State or Local Government. |
| **Highway** | The term ‘highway’ is generally used in this document in the context of its meaning in the *Main Roads Act 1930*; means a road declared by proclamation to be a highway for the purposes of this Act, and includes any part thereof. |
| **Main Road** | The term ‘main road’ is generally used in this document in the context of its meaning in the *Main Roads Act 1930*; means a road declared by proclamation to be a main road for the purposes of this Act, and includes any part thereof. |
| **State Road** | A generic term used to collectively refer to proclaimed ‘highways’ and ‘main roads’ administered by MRWA, or roads administered by other State agencies, i.e. DBCA. |
| **Proclamation** | The process of formally declaring a road to be, or cease to be, either as a ‘highway’ or ‘main road’ in accordance with the provisions of the *Main Roads Act 1930*. It involves the preparation of the required proclamation papers by MRWA for presentation to the Hon. Minister for Transport for endorsement. These papers are then formally approved by Executive Council (the supreme decision making body of the Executive arm of government, consisting of the Governor and Ministers of the Crown) followed by a proclamation notice published in the Government Gazette. |
| **Deproclamation** | The common use term for roads being proclaimed under Section 13 of the *Main Roads Act 1930* to ‘cease to be either a ‘highway’ or a ‘main road’. |

# EXPLANATORY NOTES TO ROAD CLASSIFICATION PROCESSES AND TYPES IN WESTERN AUSTRALIA

**Region Schemes**

**Note 1**

The Metropolitan Region Scheme (MRS), Peel Region Scheme (PRS), and Greater Bunbury Region Scheme (GBRS) designate roads as ‘Primary Regional Roads’ (shown in red on the scheme map and generally known as ‘red roads’) or ‘Other Regional Roads’ (shown in blue on the scheme map and generally known as ‘blue roads’). The remaining roads are shown with a thin black line. Planning for Primary Regional Roads (‘red roads’) is the responsibility of Main Roads Western Australia, and planning for Other Regional Roads (‘blue roads’) is the responsibility of Department of Planning Lands and Heritage. The Metropolitan and Peel Region Schemes generally encompass the Greater Perth area from Two Rocks to south of Mandurah.

**Note 2**

One of the schemes’ primary purposes is to control and guide land use planning to ensure development of properties is consistent with the long term aims of the scheme. In so far as roads are concerned, planning responsibility is principally to do with ensuring proposed development of abutting property is compatible with the current or planned function of the road as either a ‘red road’ or ‘blue’ road’, e.g. developments are set back sufficiently to accommodate planned future road widening, or property access and egress points are positioned appropriately for the anticipated (planned) level of road use. The aim of this type of planning control is to ensure current and/or future road safety and traffic flow is not compromised by inappropriate property development.

**Note 3**

Although built ‘red roads’ are generally managed by Main Roads, with local government generally being responsible for management of ‘blue roads’ and all other roads, there is no relationship between planning responsibility under Statutory Planning Schemes and current responsibility for day to day management of the road itself. Management responsibility is determined through the Administrative Classification process which considers the existing primary function of the road. Existing roads functioning as State Roads (‘highways’ or ‘main roads’) are proclaimed in accordance with the provisions of Section 13 of the Main Roads Act. Management responsibility for ‘unproclaimed’ roads rests with local government.

Notwithstanding there is no direct relationship between the designation of roads in Statutory Planning Schemes and their Administrative Classification, by the very nature of being planned as primary distributor roads, built ‘‘red roads’ are, or are likely to be, proclaimed as either a ‘highway’ or ‘main road’ under the Main Roads Act and thus become the management responsibility of Main Roads WA. Other Regional Roads, ‘blue roads’ are generally the responsibility of local government.

Some ‘blue roads’ have been identified by the *Future Roads Project – Urban* as possible future State Roads due to their increased importance over time. Following a change in Administrative Classification, these roads would eventually be designated ‘red roads’ in the Metropolitan Region Scheme.

**Main Roads Act 1930**

**Note 4**

Main Roads is responsible for administrative management of ‘highways’ and ‘main roads’. Section 13 (1) of the Main Roads Act establishes two classes of roads, ‘highways’ and ‘main roads’. Sections 13 (2) and 13 (3) of the Act requires the Commissioner of Main Roads to consider several criteria when deciding whether a road should be proclaimed as a ‘highway’ or ‘main road’. As mentioned previously there is no direct relationship between proclaimed roads and their designation in Planning Schemes. (See Note 3 above).

Section 15 of the Main Roads Act gives the Commissioner of Main Roads ‘*the care, control and management of the land over which a highway or main road is declared*.’ In essence, everything within the road reserve, including the road asset, is the responsibility of the Commissioner once a road is proclaimed as a ‘highway’ or ‘main road’.

**Note 5**

Under Section 13 (1) of the Main Roads Act, it is possible to exclude ‘footpaths’. Additionally, the Commissioner may delegate responsibility for verges to local government. This is usually done within the Metropolitan and Peel Region as well as within rural town sites. Agreements can also be made regarding median maintenance being undertaken by local government on behalf of MRWA.

**Note 6**

Section 24 of the Main Roads Act relates to the proclamation of secondary roads, however, this category of road is no longer used and there are presently no proclaimed Secondary Roads. In accordance with Section 24 (5) of the Act, secondary roads are the responsibility of local government.

With a few minor exceptions, public roads not proclaimed as a ‘highway’ or ‘main road’ under the Main Roads Act are the responsibility of local government. The exceptions include public roads in National Parks and State Forests which are administered by DBCA and Kings Park and Rottnest Island Roads which are administered by separate boards.

**Administrative Classification**

**Note 7**

The Administrative Classification process establishes the appropriate Administrative Class for a road. ‘Main Roads’ and ‘Highways’ (both Primary Distributors under the Road Network Hierarchy) are the responsibility of Main Roads.

An ‘Administrative Classification’ process for use in determining responsibility for roads in WA was developed through a ‘Road Classification Review’ of public roads undertaken in 1993. The road classification review was based on guidelines developed under the auspices of a Steering Committee comprising officers from Main Roads, local government bodies, Department of Planning and Urban Development (now incorporated into Department of Planning Lands and Heritage) and Department of Transport.

The Administrative Road Classification Process was updated in 2018 and 2019 (as part of the Future State Roads Project) utilising an updated methodology to identify roads that meet the road classification criteria to become State roads in the next 20 years. This was considered necessary in providing a modern interpretation of the *Main Roads Act 1930* and ensuring alignment to relevant statutory and strategic documentation. *Procedure for Determining the Administrative Classification of Roads in Western Australia* available on the MRWA website.

**Road Hierarchy**

**Note 8**

Road Hierarchy as used by MRWA, Local Government and others is a listing of the types of roads that perform designated functions required of the road network. It also provides criteria to describe each type of road and is used for asset management as well as for funding distribution to allocate Commonwealth and State grant monies to local government.

Classifying roads according to a road hierarchy category facilitates implementing traffic management measures appropriate for the category, regardless of the location of the road. The Road Hierarchy document provides for a detailed explanation of the various categories, their primary purpose and the assigned responsibility for each category. The highest order roads in the Road Hierarchy are ‘Primary Distributor’ roads. They are the responsibility of Main Roads WA. The other categories are the responsibility of local government. (Refer to Road Hierarchy section on the MRWA website).

Main Roads WA was the lead agency in establishing the road hierarchy. Individual local governments are responsible for recording each road’s Road Hierarchy in their RAMM Classification database, or equivalent, and submitting to the Road Inventory held by MRWA.

**Fig 2 - Administrative Classification: Assigned Responsibility, Road Hierarchy and Relationship to the Main Roads Act**

